



PATENT  
ATTORNEY DOCKET NO. 06132/075002

Certificate of Mailing: Date of Deposit: July 22, 2008

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Katherine Johnson

Printed name of person mailing correspondence

Katherine Johnson

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arroyo et al.  
Serial No.: 10/715,868  
Filed: November 17, 2003  
Customer No.: 21559  
Title: West Nile Virus Vaccine

Confirmation No.: 5599  
Art Unit: 1648  
Examiner: Mary Mosher

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REPLY TO NOTICE OF ALLOWANCE

In reply to the Notice of Allowance that was mailed in connection with the above-captioned application on April 24, 2008 and having confirmation number 5599, Applicants submit the following.

Enclosed are a completed fee transmittal form PTOL-85 and a check covering \$740 to cover the fees now due, in view of Applicants' prior submission of an issue fee payment and related fees on January 17, 2007. The total fee required now is \$1770, which includes an issue fee payment for a large entity as required by 37 C.F.R. § 1.18(a) of \$1440, a publication fee of \$300, and a patent copy fee required by 37 C.F.R. § 1.19(a)(1)(i) of \$30.00 for ten patent copies.

With the January 17, 2007 submission, Applicants paid \$1030. The difference between \$1770 and \$1030 is \$740, the amount now paid. Applicants note that a pre-grant publication issued in this case on November 29, 2007. As discussed in their submission dated February 19, 2008, Applicants did not request this pre-grant publication and question whether this publication may have taken place due to the prior payment of a publication fee, with the prior submitted issue fee. If this is the case, then Applicants respectfully submit that they should not be required to pay the publication fee again. However, reference is made to the deposit account of Applicants' representative, if this has been misunderstood.

If there are any other charges required for proceeding with issuance of a patent in this case or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

*Susan M. Michaud*  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
Telephone: 617-428-0200  
Facsimile: 617-428-7045



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STATEMENT OF LARGE ENTITY STATUS

Applicants request that Patent Office records indicate that small entity status is not applicable for future fee payments in the above-captioned case. Applicants enclose a check covering \$405 to supplement payment of the Request for Continued Examination fee paid on March 26, 2008. The fee paid previously was \$405 and Applicants' representative has since learned that large entity fees should have been paid at that time. This error was made without deceptive intent and the current payment ensures that all fees due in this case have been paid at the correct level.

Although no additional fees are believed to be due, if there are any additional charges or credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: July 22, 2008

Susan M. Michaud  
Susan M. Michaud, Ph.D.  
Reg. No. 42,885

Clark & Elbing LLP  
101 Federal Street  
Boston, MA 02110  
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Facsimile: 617-428-7045

**\*\*\*PROSECUTION\*\*\***Attorney Docket Number: 06132/075002

The U.S. PTO date stamp sets forth the date of receipt of:

Applicant/Patentee: Arroyo et al.Serial/Patent Number: 10/715,868Filed/Issued: November 17, 2003Title: West Nile Virus Vaccine

<input checked="" type="checkbox"/> Transmittal Letter	Pages: <u>2</u>	<input type="checkbox"/> Declaration & POA	Pages: _____
<input type="checkbox"/> Notice to File Missing Parts	Pages: _____	<input type="checkbox"/> Assignment & Cover Sheet	Pages: _____
<input type="checkbox"/> Reply to Missing Parts	Pages: _____	<input type="checkbox"/> Change of Address	Pages: _____
<input type="checkbox"/> Reply to Office Action	Pages: _____	<input type="checkbox"/> Preliminary Amendment	Pages: _____
<input type="checkbox"/> Petition for Extension	Pages: _____	<input type="checkbox"/> IDS	Pages: _____
<input type="checkbox"/> Notice of Appeal	Pages: _____	<input type="checkbox"/> Form PTO-1449	Pages: _____
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<input type="checkbox"/> Drawings Formal/Informal	Pages: _____	<input type="checkbox"/> Sequence Listing	Pages: _____
<input type="checkbox"/> M-Fee Payment	Pages: _____	<input type="checkbox"/> Sequence Statement	Pages: _____
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<input checked="" type="checkbox"/> Check	\$_ <u>145</u>	<input type="checkbox"/> Application Data Sheet	Pages: _____
<input checked="" type="checkbox"/> Other Statement of Large Entity Status	Pages: _____		Pages: <u>1</u>
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Atty/Secy: SMM/km Matter Name: \_\_\_\_\_ Date: 07/22/2008**06132075002:01113051396#0007922#**

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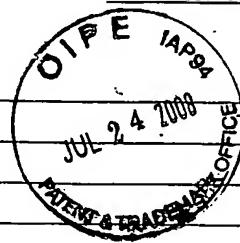
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Client/Matter No.	Description (include all parts of filings)	Legal Staff	Standard Fee Code	Final Fee Code (Yes/No)	Express, 1st Class, Fax, DHL, E-file	Checker	Status	OS Mail Receipt	Delivery Confirmation
061321 675002	Issue Fee Payment; Statement of large entity	smm/ knj	usq	no	int e-fit	mm	to	DAS	YAS

✓

CPI Finals Report Reviewed: WJW (checker initials)